



Senate

General Assembly

File No. 521

February Session, 2014

Substitute Senate Bill No. 441

Senate, April 14, 2014

The Committee on Government Administration and Elections reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ELECTRONIC OR MANUAL CHECK-IN OF VOTERS, THE PROCESS OF VOTING AND ELECTRONIC FILING OF OFFICIAL CHECKLISTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-234 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Each registrar of voters shall be present during the taking of the
4 vote at any regular or special state or municipal election in the
5 registrar's of voters town or district. The assistants in their respective
6 districts shall, when requested by either registrar of voters, be present
7 at the taking of any such vote and discharge the duties of registrars of
8 voters. Each registrar of voters shall appoint some suitable person to
9 check the list manually on paper or electronically in each district,
10 unless the registrars of voters have established two shifts for election
11 officials under the provisions of section 9-258a, in which case each such
12 registrar of voters shall appoint one such person for each district for

13 each shift. Each such person, who is so appointed official checker, shall
14 manually on paper or electronically check the name of each elector
15 [thereon] on the list when the elector offers the elector's vote, and no
16 voting tabulator tender shall permit any vote to be cast upon the
17 voting tabulator until the name has been so checked.

18 (b) If an official checker is checking the name of an elector
19 electronically, the checker shall use an electronic device approved by
20 the Secretary of the State, in accordance with the provisions of section
21 4 of this act.

22 (c) If an official checker is using such an electronic device to check
23 the names of voters and such device becomes inoperable, the official
24 checker shall check such names using a printed copy of such list
25 provided pursuant to section 9-39.

26 Sec. 2. Section 9-261 of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective from passage*):

28 (a) In each primary, election or referendum, when an elector has
29 entered the polling place, the elector shall announce the elector's street
30 address, if any, and the elector's name to the official checker or
31 checkers in a tone sufficiently loud and clear as to enable all the
32 election officials present to hear the same. Each elector who registered
33 to vote by mail for the first time on or after January 1, 2003, and has a
34 "mark" next to the elector's name on the official registry list, as
35 required by section 9-23r, shall present to the official checker or
36 checkers, before the elector votes, either a current and valid photo
37 identification that shows the elector's name and address or a copy of a
38 current utility bill, bank statement, government check, paycheck or
39 other government document that shows the name and address of the
40 elector. Each other elector shall (1) present to the official checker or
41 checkers the elector's Social Security card or any other preprinted form
42 of identification which shows the elector's name and either the elector's
43 address, signature or photograph, or (2) on a form prescribed by the
44 Secretary of the State, write the elector's residential address and date of
45 birth, print the elector's name and sign a statement under penalty of

46 false statement that the elector is the elector whose name appears on
47 the official checklist. Such form shall clearly state the penalty of false
48 statement. A separate [such] form shall be used for each elector. If the
49 elector presents a preprinted form of identification under subdivision
50 (1) of this subsection, the official checker or checkers shall check the
51 name of such elector on the official checklist, manually on paper or
52 electronically. If the elector completes the form under subdivision (2)
53 of this subsection, the registrar of voters or the assistant registrar of
54 voters, as the case may be, shall examine the information on such form
55 and either instruct the official checker or checkers to check the name of
56 such elector on the official checklist, manually on paper or
57 electronically, or notify the elector that the form is incomplete or
58 inaccurate.

59 (b) In the event that an elector is present at the polling place but is
60 unable to gain access to the polling place due to a temporary
61 incapacity, the elector may request that the ballot be brought to him or
62 her. The registrars of voters or the assistant registrars of voters, as the
63 case may be, shall take such ballot, along with a privacy sleeve to such
64 elector. The elector shall show identification, in accordance with the
65 provisions of this section. The elector shall forthwith mark the ballot in
66 the presence of the election officials in such manner that the election
67 officials shall not know how the ballot is marked. The elector shall
68 place the ballot in the privacy sleeve. The election officials shall mark
69 the elector's name on the official voter list, manually on paper or
70 electronically, as having voted in person and deliver such ballot and
71 privacy sleeve to the voting tabulator where such ballot shall be placed
72 into the tabulator, by the election official, for counting. The moderator
73 shall record such activity in the moderator's diary.

74 (c) In each polling place in which two or more parties are holding
75 primaries in which unaffiliated electors are authorized to vote,
76 pursuant to section 9-431, an unaffiliated elector shall also announce to
77 the separate table of the official checker or checkers for unaffiliated
78 electors the party in whose primary the elector chooses to vote and the
79 official checker or checkers shall note such party when checking such

80 elector's name on the checklist of unaffiliated electors, manually on
81 paper or electronically, provided such choice shall not alter the
82 elector's unaffiliated status.

83 (d) In each polling place in which two or more parties are holding
84 primaries in which unaffiliated electors are authorized to vote or in
85 which one party is holding a primary in which unaffiliated electors are
86 authorized to vote for some but not all offices to be contested at the
87 primary, the official checker or checkers shall give to each elector
88 checked manually on paper or electronically, a receipt provided by the
89 [registrar] registrars of voters, in a form prescribed by the Secretary of
90 the State, specifying either (1) the party with which [he] the elector is
91 enrolled, if any, or (2) in the case of an unaffiliated elector, the party in
92 whose primary [he] the elector has so chosen to vote, and whether [he]
93 the elector is authorized to vote for only a partial ballot.

94 (e) If not challenged by anyone lawfully present in the polling place,
95 the elector shall be permitted to pass to the separated area to receive
96 the ballot. The elector shall give any receipt the elector has received to
97 a ballot clerk who shall give the elector a ballot to vote only in the
98 primary of the party specified by the receipt. The elector shall be
99 permitted into the voting booth area, and shall then register his or her
100 vote in secret. Having voted, the elector shall immediately exit the
101 voting booth area and deposit the ballot in the voting tabulator and
102 leave the room. No elector shall remain within the voting booth longer
103 than the time necessary to complete the ballot, and, if the elector
104 refuses to leave such booth after completing the ballot, the elector shall
105 at once be removed by the election officials upon order of the
106 moderator. Not more than one elector at a time shall be permitted to be
107 within the enclosed space which the elector occupies while the elector
108 completes his or her ballot, provided an elector may be accompanied
109 within such enclosed space by one or more children who are fifteen
110 years of age or younger and supervised by the elector, if the elector is
111 the parent or legal guardian of such children. [At least two additional
112 electors, whose next turn it is to vote shall be permitted in the polling
113 area for the purpose of receiving a ballot.] If any elector, after entering

114 the voting booth area, asks for further instruction concerning the
115 manner of voting, the election officials shall give such instructions or
116 directions to the elector; but no election official instructing or assisting
117 an elector, except as provided in section 9-264, shall look at the ballot
118 in such a way as to see the elector's markings or in any manner seek to
119 influence any such elector in the casting of the elector's vote.

120 Sec. 3. Section 9-307 of the general statutes is repealed and the
121 following is substituted in lieu thereof (*Effective from passage*):

122 Immediately after the polls are closed, the official checker or
123 checkers, appointed under the provisions of section 9-234, as amended
124 by this act, shall make and deliver to the moderator a certificate [, in
125 duplicate,] stating the whole number of names on the registry list or
126 enrollment list including, if applicable, unaffiliated electors authorized
127 under section 9-431 to vote in the primary, and the number checked as
128 having voted in that election or primary. For the purpose of computing
129 the whole number of names on the registry list, the lists of persons
130 who have applied for presidential or overseas ballots prepared in
131 accordance with section 9-158h shall be included. [Thereupon] If a
132 paper registry list is used, the registrars or assistant registrars, as the
133 case may be, acting at the respective polls, shall write and sign with
134 ink, on the list or lists so used and checked, a certificate of the whole
135 number of names registered [thereon] on the list eligible to vote in the
136 election or primary and the number checked as having voted in that
137 election or primary, and deposit it in the office of the municipal clerk
138 of their town on or before the following day. If an electronic version of
139 the registry list is used, the electronic device upon which such list is
140 stored shall be returned to the registrars of voters who shall cause the
141 electronic registry list to be printed. Such printed list shall be signed by
142 each registrar, who shall deposit such list in the office of the municipal
143 clerk on the following day. The municipal clerk shall carefully preserve
144 the [same] paper registry list or printed electronic registry list, as
145 applicable, on file, with the marks on it without alteration, for public
146 inspection, and shall immediately enter a certified copy of such
147 certificate on the town records. Subject to the provisions of section 7-

148 109, the municipal clerk may destroy any voting [check list] checklist
 149 four years after the date upon which it was used. The moderator shall
 150 place [one of the duplicate certificates] the certificate which the
 151 moderator received from the official checker or checkers [with the
 152 voted ballots from the polling place and the moderator's return
 153 provided for in sections 9-259 and 9-310 and shall then lock the
 154 tabulator as provided in section 9-310, and the moderator shall deposit
 155 the other of such duplicate certificates] in the office of the municipal
 156 clerk on or before the following day.

157 Sec. 4. (NEW) (*Effective from passage*) The Secretary of the State shall
 158 review, in consultation and coordination with The University of
 159 Connecticut, electronic devices that could assist official checkers in
 160 checking the names of electors pursuant to section 9-234 of the general
 161 statutes, as amended by this act, or any regulation adopted pursuant to
 162 chapter 147 of the general statutes. Not later than September 1, 2015,
 163 the Secretary shall include on a list any such device that the Secretary
 164 approves and shall make such list available to municipalities in a
 165 manner determined by the Secretary. The Secretary may add or
 166 remove a device from such list, as the Secretary determines such
 167 addition or removal is necessary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-234
Sec. 2	<i>from passage</i>	9-261
Sec. 3	<i>from passage</i>	9-307
Sec. 4	<i>from passage</i>	New section

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Secretary of the State	GF - Cost	150,000	10,000

Municipal Impact:

Municipalities	Effect	FY 15 \$	FY 16 \$
Various Municipalities	Potential Cost	Less than 20,000	Less than 20,000

Explanation

The bill would allow registrars of voters to use electronic systems that are approved by the Secretary of the State (SOTS) to check in voters. The bill would also require SOTS to create and maintain a list of electronic devices that municipalities may use for electronic checking in of voters.

The SOTS is anticipated to incur a cost of \$150,000 to review, approve, and create a list of approved electronic devices for use in the voter check in process. The SOTS is anticipated to incur on-going costs of \$10,000 per year beginning in FY 16 to maintain and update the list of approved electronic devices. Given the technical nature of device approval it is expected that the costs identified for SOTS will support a contracted consultant.

To the extent that municipalities decide to utilize electronic resources to check in voters, there is a potential cost to municipalities arising from their purchase of such devices. The cost potentially incurred by municipalities is dependent upon the type of equipment

utilized and number of polling stations in a municipality. Such costs are not anticipated to exceed \$20,000 for municipalities that decide to utilize this type of equipment.

The FY 14 and FY 15 budget (PA 13-184, as amended by PA 13-247) appropriated \$150,000 in FY 14 and \$10,000 in FY 15 to the Secretary of the State for the certification of electronic check-in devices. However, the enabling legislation, sSB 777, which is substantially similar to the current bill, did not pass in the 2013 session. sHB 5030, the FY 15 revised budget, as favorably reported by the Appropriations Committee, does not include a carry forward of the unexpended portion of these FY 14 funds.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 441*****AN ACT CONCERNING ELECTRONIC OR MANUAL CHECK-IN OF VOTERS, THE PROCESS OF VOTING AND ELECTRONIC FILING OF OFFICIAL CHECKLISTS.*****SUMMARY:**

This bill authorizes official checkers to use a secretary of the state-approved electronic device to check in electors at the polls. The secretary, in consultation and coordination with UConn, must conduct a review of electronic devices that could assist checkers and, by September 1, 2015, compose a list of those she approves for municipal use. She (1) must make the list available to municipalities in a manner she chooses and (2) may add or remove a device from the list as she determines necessary. By law, official checkers are responsible for verifying electors' identification and checking their names off the official registry list before they are permitted to vote.

The bill requires (1) official checkers to return the electronic device to the registrars after the polls close and (2) the registrars to print and sign the electronic registry list. The registrars must deposit the printed electronic registry list in the town clerk's office the following day, just as existing law requires them to do with the printed registry lists they currently use. Official checkers must use the printed copy of the voter registry list to check in voters if the electronic device becomes inoperable.

By law, official checkers must provide the moderator with a certificate immediately after the polls close that states the (1) number of names on the registry or enrollment list and (2) number checked as having voted in that election or primary. The bill eliminates a requirement that they (1) provide this certificate in duplicate and (2) place a copy of the certificate with the moderator's return and voted

ballots from the polling place. It retains the requirement to file the certificate with the town clerk by the next day.

The bill also eliminates a provision under which the two electors next in line to vote may be admitted into the polling area to receive a ballot. It also makes technical changes.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/24/2014)